

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, OCTOBER 7 AND 8, 2013
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 ‘C’ STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanza fame reports the results of the Closed Session meeting of October 7-8, 2013, as follows:

CLOSED SESSION MEETING FOR MONDAY, OCTOBER 7, 2013

(Closed Session Items were heard on Tuesday, October 8, 2013.)

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 8, 2013, AT 9:00 A.M.

ROLL CALL:

Present: Council President Gloria, Council President Pro Tem Lightner, and Councilmembers Faulconer, Cole, Kersey, Zapf, Sherman, and Alvarez.

Absent: Councilmember Emerald (absent for the meeting).

CLOSED SESSION ITEMS:

Conference with Legal Counsel – existing litigation, pursuant to California Government Code section 54956.9(d)(1):

CS-1 *Doering, et al. v. City of San Diego*

San Diego Superior Court Case No. 37-2012-00103309-CU-OR-CTL

DCA Assigned: D. Karlin

Report: Nothing to report.

CS-2 *Coalition for Safe and Healthy Economic Progress v. City of San Diego (Wal-Mart Stores, Inc., Real Party in Interest)*

San Diego Superior Court Case No. 37-2012-00096168-CU-TT-CTL

DCA Assigned: A. Contreras

Motion: Authorize City Attorney to seek appellate review

Moved: Councilmember Faulconer, District 2

Seconded: Councilmember Zapf, District 6

Vote: Passed 6 to 2 with Councilmembers Lightner and Alvarez voting “No” and Councilmember Emerald absent.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, October 8, 2013, at 2:43 p.m.

Today, in Closed Session, the City Council took the following action:

The City Council voted on Closed Session Item Number Two, *Coalition for Safe and Healthy Economic Progress v. City of San Diego*, San Diego Superior Court Case No. 37-2012-00096168-CU-TT-CTL, to seek appellate review.

This case arises from the City of San Diego's issuance of construction permits to Wal-Mart for tenant improvements to the former Farmer's Market on Imperial Avenue.

CS-3 *Ray Lutz v. CBRE Group, Inc.*

United States District Court Case No. 12CV2625 JM (DHB)

DCA Assigned: J. Riley

Report: Nothing to report.

CS-4 *San Diegans for Open Government v. City of San Diego*

San Diego Superior Court Case No. 37-2012-00103136-CU-MC-CTL

San Diegans for Open Government v. City of San Diego

San Diego Superior Court Case No. 37-2013-00062908-CU-MC-CTL

DCA Assigned: C. Brock

Report: Nothing to report.

REPORTED BY: /s/ Mary Jo Lanza fame
Mary Jo Lanza fame
Assistant City Attorney